

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

U.S. DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA,

Plaintiff,

v.

A Certain Condominium located at 109 Glengarry  
Road, Stratham, NH, with all Appurtenances and  
Improvements Thereon, Owned by Mary Hawthorne,  
et al.,

Defendants.

JUN 16 2005

**FILED**

Civil No. 04-102-JD

**ORDER SUBSTITUTING \$62,292.02**  
**IN U.S. CURRENCY AS RES FOR DEFENDANT IN REM**  
**109 GLENGARRY ROAD, STRATHAM, NEW HAMPSHIRE**  
**DISMISSING DEFENDANT-IN-REM 109 GLENGARRY ROAD,**  
**STRATHAM, NEW HAMPSHIRE AND FINAL ORDER OF FORFEITURE**  
**AS TO DEFENDANT IN REM \$62,292.02 IN U.S. CURRENCY AND**  
**ONE GREY 1996 MERCURY MYSTIQUE, VIN 1MELM6538TK622621,**  
**NH REG. 1703837, REGISTERED TO MARY HAWTHORNE**

On March 19, 2004, the United States filed a Verified Complaint for Forfeiture in Rem, and an Amended Verified Complaint on December 2, 2004, seeking the forfeiture of the above-named assets, including the defendant in rem 109 Glengarry Road, Stratham, NH and the defendant in rem One Grey 1996 Mercury Mystique, VIN 1MELM6538TK622621, NH Reg. 1703837, Registered to Mary Hawthorne, based upon alleged violations of 21 U.S.C. § 881(a)(6) and (a)(7). This Complaint, and Notice of Complaint were served on all known potential claimants, including Mary Hawthorne, who was served on April 29, 2004; and GMAC Mortgage, which was served on April 20, 2004.

Timely claims to the defendant in rem 109 Glengarry Road, Stratham, NH were filed by Mary Hawthorne and GMAC Mortgage.

The United States Marshal's Service (USMS) published Legal Notice of the Amended Verified Complaint in the Manchester Union Leader on August 11, 2004, August 18, 2004, and August 25, 2004. No post-publication claims have been filed.

Pursuant to a November 1, 2004 order of the Court for the interlocutory sale of defendant in rem 109 Glengarry Road, the property was sold by private sale in January 2005. At the time of closing, the claim of GMAC Mortgage was satisfied in full. The net proceeds from the sale of 109 Glengarry Road, \$70,092.02, have been deposited with the United States Marshals Service.

The United States and the remaining claimant to the defendant in rem 109 Glengarry Road, Mary Hawthorne, have reached an agreement which provides for the substitution of \$62,292.02 in United States funds for the *res* of the defendant in rem 109 Glengarry Road, Stratham, NH. In addition, the agreement provides that United States will remit \$7,800.00 of the sales proceeds to Mary Hawthorne.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

A. That the sum of \$62,292.02 in U.S. Currency is hereby substituted as the *res* for the defendant in rem, 109 Glengarry Road, Stratham, New Hampshire;

B. That the defendant in rem 109 Glengarry Road, Stratham, New Hampshire is hereby dismissed from this proceeding;

C. That all rights, title and interests to the substituted defendant in rem \$62,292.02 in United States Currency and the defendant in rem One Grey 1996 Mercury Mystique, VIN 1MELM6538TK622621, NH Reg. 1703837, Registered to Mary Hawthorne are hereby condemned, forfeited and vested in the United States of America pursuant to 21 U.S.C. §§ 881(a)(6) and 881(a)(7), free from the claims of any other party.

D. That the substituted defendant in rem \$62,292.02 in United States Currency shall be disposed of by the USMS in accordance with the applicable law and regulations. These funds, less costs to the USMS associated with the defendant in rem 1295 Union Street, Manchester, NH shall be deposited into the Department of Justice Asset Forfeiture Fund in accordance with Title 28, United States Code, Section 524(c) and Title 21, United States Code, Section 881(e).

E. That the defendant in rem One Grey 1996 Mercury Mystique, VIN 1MELM6538TK622621, NH Reg. 1703837, Registered to Mary Hawthorne shall be sold or disposed of by the United States Marshal's Service (USMS), from which amount the USMS shall deduct its costs related to this proceeding in accordance with the applicable law and regulations. The sales proceeds shall be forfeited to the United States, pursuant to 21 U.S.C. § 881(a)(6), free from the claims of any other party, and the proceeds shall be deposited into the Department of Justice Asset Forfeiture Fund in accordance with Title 28, United States Code, Section 524(c) and Title 21, United States Code, Section 881(e).

E. That the remaining proceeds from the sale of 109 Glengarry Road, \$7,800.00, shall be released to Mary Hawthorne by the USMS, through her attorney, Tony Soltani, Esquire.

F. That Mary Hawthorne shall bear her own cost of this proceeding, including attorney's fees, if any.

The Clerk is hereby directed to send three certified copies of this Order to the United States Marshals Service and a copy to United States Attorney's Office, Attention: Assistant U.S. Attorney Robert J. Rabuck.

Dated: June 16, 2005

Joseph D'Allesandro

UNITED STATES DISTRICT JUDGE

6-17-05  
cc: USM  
USA  
Sorten